

Libby Community Advisory Group
Meeting Summary
July 10, 2003

White Paper presented to the EPA on July 15, 2003
Presenter
Gordon Sullivan, TAG Technical Advisor

Problem

There are perceived health hazards associated with the continued presence of vermiculite containing insulation present in homes and on property after aggressive clean-up procedures have been deemed complete by CDM and the Volpe Center. These problems are present even after the properties have passed the aggressive testing procedures established by the EPA guidelines for Operable Unit 4.

Background Information

The concerns brought forth in this White Paper stem from statements made by:

person(s) whose property has been cleaned up and perceive inconsistencies from what they expected as a result of the on-site work plans developed during the pre construction meetings

person(s) whose property has been cleaned up and in doing minor or major repairs or alterations to their homes get a "face full" of VCI from an area believed clean

person(s) who have witnessed apparent Libby asbestos and VCI left behind on properties that have been pronounced clean by the EPA

person(s) who have witnessed vehicles, machinery and material that are perceived to be contaminated with asbestos spreading this contamination to areas other than the clean-up site

the personal on site experience of the Technical Advisor (Gordon Sullivan) and his wife Cathie during the three week course of the clean-up of their home and property

the personal experiences of other TAG members visiting the site of the Sullivan's clean-up effort

Data/Documents Involved

Personal concerns and perceptions noted above regarding Libby Operable Unit 4 clean-up procedure(s) registered at the 7/8/03 TAG meeting, the 7/10/03 CAG meeting, and a significant number of calls to the TAG.

Risk

Left unanswered, the serious concerns stated above have the potential of compromising the overall integrity, final success and the perceived effectiveness of the EPA clean-up program.

Left unanswered (and if found justified) the concerns of the Libby public could mean a serious compromise to public health and safety through continued exposure after clean-up has been deemed complete by the EPA and its contractors.

Recommended Course of Action

Provide the TAG a copy of all current written policies and procedures enforced or acted upon by the EPA and its contractors relating to the clean-up of homes and property in Libby Operable Unit 4. These policies and procedures will then be analyzed by the TAG Technical Advisor and explained in detail to the TAG and public as to how they meet the EPA documented standards. If this process exceeds the abilities of the Technical Advisor, experts will be hired to aid in the final evaluation.

The TAG continue to solicit detailed information from members of the Libby public who might wish to express concerns relating to the effectiveness of the clean-up process and or the containment of VCI in their homes or businesses.

TAG board members continue to visit on-going work sites familiarizing themselves with particular

work techniques, procedures and operable processes that routinely go on at these sites.

Appendix 3

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Agency for Toxic Substances
and Disease Registry
Atlanta, GA 30333

JUN 20 2003

Mr. Clinton Maynard
Libby Community Advisory Group
1116 Louisiana Avenue
Libby, Montana 59923

Dear Mr. Maynard:

Secretary Thompson has asked me to thank you for your letter and to respond directly to you regarding community health concerns associated with exposure to asbestos in Libby, Montana.

I understand the seriousness of your concerns. Libby continues to be one of the most important environmental public health sites in our nation. During the past 3-1/2 years, public health, healthcare, and mental health agencies of the Department of Health and Human Services (HHS) have worked closely with the community, the Environmental Protection Agency (EPA), and state and local agencies to halt exposure to vermiculite contaminated with tremolite asbestos and to build health capacity at the local level.

The Agency for Toxic Substances and Disease Registry (ATSDR) has also worked proactively with the Health Resources and Services Administration (HRSA) to support community initiatives intended to improve access to healthcare services in Libby. Through a HRSA grant, a federally funded health clinic has been established in Libby. In addition, Lincoln County was recently awarded funds through a HRSA Rural Health Outreach Grant to identify and resolve remaining health issues in Libby. Through these initiatives, HHS has demonstrated its ongoing and long-term commitment to improving the health of Libby residents.

In your letter, you state that the government's response measures thus far are insufficient and request that HHS declare a "Public Health Emergency" as referenced in sections 104(i)(1)(D) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9604(i)(1)(D) and (E). These sections of CERCLA were originally enacted to provide immediate healthcare assistance in the event of an emergency situation to supplement local emergency healthcare services which might be unable to meet critical short-term healthcare needs. U.S. Public Health Service hospitals referenced in section 104(i)(1)(E) of CERCLA, which were originally intended to provide such care in the case of an emergency, were decommissioned in the mid-1980s. HHS lacks the resources or the statutory authority to provide long-term healthcare services under CERCLA or any other existing federal legislation. However, EMS agencies, particularly ATSDR, have been able to provide appropriate public health services in Libby and at other Superfund sites nationally. EMS agencies will continue to provide critical public health support to the Libby community. A "Public Health Emergency" declaration under CERCLA will not change the agency's planned activities, nor will it make additional funds available to ATSDR or HHS under existing appropriations. Therefore, no such declaration is being made at this time.

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During the past 3 years, considerable progress has been made towards halting exposure to tremolite asbestos and improving the health of Libby residents. HHS agencies will continue to use appropriate public health resources and work closely with all of the community groups and state, federal, and local agencies that are involved. I remain confident that such collaboration will facilitate sustainable, long-term public health improvements in Libby.

Please feel free to contact the HHS Region VIII Office in Denver, Colorado, at (303) 844-6163 if you, members of the Libby Community Advisory Group, or other residents have any questions regarding HHS' public health activities or responsibilities in Libby. Questions about ATSDR's activities and responsibilities can also be directed to Mr. Dan Strausbaugh, ATSDR Regional Representative assigned to Libby, at (406) 457-5007. Once again, thank you for your interest in this important public health matter.

Sincerely,

Julie Louise Gerberding, M.D., M.P.H.
Administrator

cc:
U.S. Congressional Delegation, State of Montana
Governor Judy Martz, State of Montana